

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

THE UNITED STATES OF AMERICA *ex*
rel. STEPHEN BACHERT,

Plaintiffs,

v.

TRIPLE CANOPY, INC.,

Defendant.

CIVIL ACTION NO.
1:16 CV 456 (TSE/JFA)

**DEFENDANT TRIPLE CANOPY, INC'S OBJECTIONS TO RELATOR STEPHEN
BACHERT'S EXHIBIT LIST**

Pursuant to Federal Rule of Civil Procedure 26, the Local Rules, and the Court's Scheduling Order (ECF No. 51), Defendant Triple Canopy, Inc. ("Triple Canopy") hereby submits its objections to Plaintiff-Relator Stephen Bachert's Exhibit List (ECF No. 112). A Key that summarizes Triple Canopy's objections is included below for the Court's convenience. Additionally, while not listed out separately with respect to each individual exhibit below, Triple Canopy hereby makes a standing FRE 602 (Foundation) objection with respect to each of Relator's exhibits (including those with an "N/A" notation in the below "Triple Canopy Objections" column) and every exhibit that Relator may later add to this list or otherwise attempt to introduce at trial pending a percipient witness who is able to introduce the exhibit.

Triple Canopy's Objection Key

FRE 106	Incomplete
FRE 401; FRE 402	Irrelevant
FRE 403	Confusion, Waste of Time, Cumulative
FRE 611	Compound Question; Misstates Prior Testimony; Misstates Evidence; Confusing; Misleading; Ambiguous; Vague; Assumes Facts Not in Evidence; Improper Characterization; Cumulative; Repetitive; Asked and Answered; Leading
FRE 701	Calls for Conclusion
FRE 802	Hearsay
Seal	Portions of document need to be introduced under seal due to operationally sensitive information contained therein

Triple Canopy's Objections

Exhibit	Item Description	Bates	Triple Canopy Objections
1	Bachert's 3/26/15 letter to Lauria	Bach 314-25	FRE 106; FRE 403; Seal
2	Bachert's 12/13/14 email chain with Zalewski	Bach 325-26	FRE 401; FRE 402; FRE 403
3	Lauria's 5/18/15 email re: Bachert's Letter	SBTC 5513-19	Seal
4	Pettus's 4/9/15 email re: Weapon's Maintenance	SBTC 5935-38	FRE 401; FRE 402; FRE 403; FRE 802
5	Pettus's 4/5/15 email chain with Bachert	Bach 162-66	FRE 401; FRE 402; FRE 403
6	Lauria's 5/29/15 email to Johnson	SBTC 23406-47	FRE 403 (Confusing; apparently wrong Bates number)
7	Lauria Declaration		FRE 106; FRE 802; Seal
8	Nyguen Declaration		FRE 106 (Incomplete)

Exhibit	Item Description	Bates	Triple Canopy Objections
9	Lauria's 5/6/15 email regarding outside communications	SBTC 9407-07	FRE 401; FRE 402; FRE 403
10	Fields's 5/19/15 letter regarding Glocks	SBTC 23938	FRE 106; FRE 401; FRE 402; FRE 403
11	Coppinger 5/26/15 email regarding reassignment of armorers		FRE 106; FRE 403
12	Bachert's 6/8/2015 email	SBTC 5372	FRE 106; FRE 403
13	Bullock's 6/12/15 email regarding release of clearance	SBTC 8401-08	N/A
14	Declaration of Burnett		FRE 106 (Incomplete); FRE 403 (Confusing as formatted)
15	IT-Software Group 7/1/15 email to Burnett noting termination	SBTC 10302	N/A
16	Deposition Transcript of Triple Canopy		FRE 106; FRE 401; FRE 402; FRE 403; FRE 611; FRE 701; FRE 802; FRE 901/902
17	Task Order 5 Statement of Work	SBTC 2947-3005	FRE 106; FRE 401; FRE 402; FRE 403; FRE 802; Seal
18	Base Contract Statement of Work	SBTC 3006-3507	FRE 106; FRE 401; FRE 402; FRE 403; FRE 802; Seal
19	Task Order 5 Statement of Work Am. 12, Rev. 1	SBTC 2754-2867	FRE 106; FRE 401; FRE 402; FRE 403; FRE 802; Seal
20	Nov. 19, 2014 email by Tim Brindle	SBTC 10048	FRE 106; FRE 401; FRE 402; FRE 403; Seal
21	Nguyen's 6/16/15 letter	SBTC 6555-57	FRE 106; FRE 401; FRE 402; FRE 403; FRE 802
22			N/A
23	Apr. 3, 2015 email from Lauria to Johnson	SBTC 5597-98	FRE 602

Exhibit	Item Description	Bates	Triple Canopy Objections
24	May 21, 2015 email chain between J. Carney and F. Lauria	SBTC 13170-82	FRE 106; FRE 403
25	May 26, 2015 email from Coppinger to Lauria	SBTC 6448-50	N/A
26	May 29, 2015 email from Johnson to Coppinger and Lauria	SBTC 23378-79	N/A
27	May 29, 2015 email from Coppinger	SBTC 5558	N/A
28	May 30, 2015 email from Bachert to Burnett	SBTC 23381	FRE 106 (Another Exhibit more complete); FRE 403
29	September 12, 2014 COR letter regarding round count books	SBTC 5343	FRE 106; FRE 401; FRE 402; FRE 403; FRE 802
30	Fields's 5/19/15 email to himself	SBTC 5419-20	N/A
31	Bachert's 3/20/15 email regarding schedule change	SBTC 5425-26	N/A
32	Kwan's 3/24/15 email regarding schedule	SBTC 5463-67	N/A
33	Nowatney's 5/18/15 email to Nguyen	SBTC 5506	FRE 106; FRE 401; FRE 402; FRE 403
34	Johnson's 4/5/15 email regarding Bachert's contacting legal	SBTC 5559-60	FRE 106; FRE 403
35	Bachert's 4/5/15 email to Tousissant with chain with Pettus regarding technical inspection times	SBTC 5561-	FRE 401; FRE 402; FRE 403
36	Lauria's 4/4/15 email to Burnett about continuing investigation	SBTC 5612-14	FRE 106; FRE 403
37	4/5/2015 email from Lauria re completion of investigation	SBTC 5638-41	N/A
38	5/1/15 email from Toussaint with MFR for armory		FRE 106; FRE 401; FRE 402; FRE 403
39	3/18/15 email regarding bumping Bachert down	SBTC 5839	FRE 106; FRE 403
40	4/9/15 email by Pettus regarding LTI	SBTC 5945-5947	FRE 401; FRE 402; FRE 403; FRE 802
41	4/9/15 email with attachments related to Toussaint investigation	SBTC 6037-6113	FRE 401; FRE 402; FRE 403; FRE 802

Exhibit	Item Description	Bates	Triple Canopy Objections
42	Bachert's 6/11/15 email with Burnett	SBTC 6186-6189	FRE 106 (Incomplete); FRE 403 (Confusing)
43	Bachert's email requesting why he was laid off	SBTC 6210-14	FRE 106 (Incomplete); FRE 403 (Confusing)
44	Eiring's 6/19/15 email allowing Bachert to resume contacting DEAV	SBTC 6341	FRE 106; FRE 401; FRE 402; FRE 403
45	5/19/15 email from Nguyen re meeting with Bachert	SBTC 6368-69	N/A
46	5/26/15 email re Fields and Bachert's reassignment	SBTC 6451-52	FRE 401; FRE 402; FRE 403
47	5/25/15 email from Johnson re potential LOCs	SBTC 6458-59	FRE 106; FRE 403
48	5/26/15 email from Coppinger re swap of armorers	SBTC 6487-89	FRE 106; FRE 403
49	10/7/14 acknowledgement of complaint by Zalewski	SBTC 6490	FRE 401; FRE 402; FRE 403; Seal
50	3/29/15 email from Bachert confirming meeting with Lauria	SBTC 6511	FRE 106
51	6/20/15 email re COR letter	SBTC 6554-6558	FRE 401; FRE 402; FRE 403
52	6/8/15 email re Bachert telling DEAV he was terminated	SBTC 6787	N/A
53	5/18/15 forwarding of complaint to Fields	SBTC 7029-7031	FRE 401; FRE 402; FRE 403
54	5/29/15 Coppinger email re ASAP reassignment	SBTC 7513-15	FRE 106 (Incomplete); FRE 403 (Confusing)
55	5/28/15 email from Brundle re armorer swap	SBTC 7520	N/A
56	4/5/15 Email from Eiring re going corporate	SBTC 7527-29	FRE 106; FRE 401; FRE 402; FRE 403
57	4/3/15 email from Kwan to Fields re complaint	SBTC 7606-09	FRE 401; FRE 402; FRE 403
58	4/3/15 email from Toussaint to Eiring re investigation	SBTC 7628-33	FRE 106; FRE 401; FRE 402; FRE 403
59	4/9/15 Emails re Bachert	SBTC 7964-65	FRE 401; FRE 402; FRE 403

Exhibit	Item Description	Bates	Triple Canopy Objections
60	6/14/15 email re counseling for Bachert	SBTC 8001-02	FRE 401; FRE 402; FRE 403
61	6/8/15 email from Fields at embassy armorer	SBTC 8886-8890	FRE 401; FRE 402; FRE 403; Seal
62	Bachert's 12/13/14 email chain with Zalewski	SBTC 8433-34	FRE 106; FRE 401; FRE 402; FRE 403; Seal
63	3/23/15 email listing armorers	SBTC 8489	FRE 401; FRE 402; FRE 403
64	5/19/15 Nguyen email chain regarding corrective action	SBTC 8558-59	N/A
65	5/19/15 email from Brundle regarding Bachert being SARM	SBTC 8521-24	N/A
66	5/21/15 email regarding being down an armorer	SBTC 8562-64	FRE 401; FRE 402; FRE 403
67	6/3/15 meeting invite for Burnett to discuss Bachert	SBTC 8617	N/A
68	6/1/15 request from DOS to have note regarding Bachert's placement on leave removed	SBTC 8623	FRE 106; FRE 403
69	5/30/15 Employee Counseling Form	SBTC 8852-8854	N/A
70	5/29/15 email chain re removing Bachert	SBTC 8865-69	FRE 401; FRE 402; FRE 403
71	6/20/15 email regarding overage of armorers on 6/16 and attachment	SBTC 9798-9800	FRE 401; FRE 402; FRE 403
72	4/9/15 email regarding transferring Bachert	SBTC 11579	FRE 106; FRE 403
73	6/11/15 expense report approval for Bachert	SBTC 12049	FRE 106; FRE 401; FRE 402; FRE 403
74	9/10/14 email regarding pay	SBTC 12656	N/A
75	5/20/15 email from Bachert regarding staffing	SBTC 13156	FRE 401; FRE 402; FRE 403
76	5/19/15 email from Lauria regarding backpfeifengesicht	SBTC 13165-66	FRE 403 (Duplicative; confusing)
77	5/19/15 dirty rat email	SBTC 13172-73	FRE 403 (Duplicative; confusing)

Exhibit	Item Description	Bates	Triple Canopy Objections
78	5/20/15 what is true email	SBTC 13183-85	FRE 401; FRE 402; FRE 403
79	5/21/15 email regarding plans for armorers reassignment	SBTC 13179-13182	FRE 106; FRE 403
80	6/2/15 email regarding approval of Fick	SBTC 13317-19	FRE 106; FRE 403
81	5/5/15 email with MFR for Fields	SBTC 15050-51	FRE 401; FRE 402; FRE 403
82	5/30/15 email from Bachert contacting Burnett	SBTC 5052	FRE 106; FRE 403
83	3/23/15 email regarding reassignment to ALSS position	SBTC 20235-37	FRE 401; FRE 402; FRE 403
84	5/26/15 email regarding swapping armorers	SBTC 20298-99	FRE 106; FRE 403
85	5/6/15 email regarding Bachert and Fields	SBTC 20699-700	FRE 401; FRE 402; FRE 403
86	4/30/15 email between Corbin and Eiring regarding not trusting Bachert	SBTC 21620-21623	FRE 401; FRE 402; FRE 403
87	4/28/15 email regarding PMR	SBTC 21832-33	FRE 401; FRE 402; FRE 403
88	5/9/15 email regarding PMR	SBTC 22211	FRE 401; FRE 402; FRE 403; FRE 802
89	5/11/15 email from Lauria to Bachert regarding PMR	SBTC 22654-55	N/A
90	5/13/15 email with attached PMR checklist	SBTC 22707-22748	FRE 401; FRE 402; FRE 403
91	5/12/15 Email regarding SOP	SBTC 22786	FRE 401; FRE 402; FRE 403
92	5/25/15 email updating Johnson	SBTC 22989-22991	N/A
93	4/4/15 email informing others of Bachert's escalation	SBTC 15543-44	FRE 106; FRE 403
94	4/5/15 email regarding impossibility of inspecting 69 weapons	SBTC 15680-87	FRE 401; FRE 402; FRE 403
95	5/21/15 email regarding closing armory on Fridays	SBTC 16631-32	FRE 401; FRE 402; FRE 403

Exhibit	Item Description	Bates	Triple Canopy Objections
96	5/19/15 email regarding keeping Bachert as SARM	SBTC 16701	N/A
97	4/13/15 email re discussion between Bachert and Eiring	SBTC 18338	FRE 106; FRE 403
98	3/30/15 email from Danby to Eiring	SBTC 18543-18545	FRE 401; FRE 402; FRE 403
99	5/30/15 email regarding inventory	SBTC 19698-99	FRE 401; FRE 402; FRE 403
100	5/30/15 email regarding removal of Bachert	SBTC 19735	FRE 106; FRE 403
101	6/1/15 email regarding DSRO Meeting	SBTC 19754-55	FRE 401; FRE 402; FRE 403

Dated: August 6, 2018

Respectfully submitted,

TRIPLE CANOPY, INC.

By its attorneys,

/s/ Catherine E. Creely

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Counsel for Triple Canopy, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 6, 2018, I caused this document to be electronically filed using the Court's ECF system, which electronically served all parties.

/s/ Catherine E. Creely